

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA LEVI ALGER,

Plaintiff,

Case No. 24-10316

v.

Honorable Nancy G. Edmunds

NELSON CHURCH, *et al.*,

Defendants.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
MAY 30, 2025 REPORT AND RECOMMENDATION [39]**

This pro se prisoner civil rights lawsuit was filed by Plaintiff Joshua Levi Alger against ten defendants. (ECF No. 1.) The case has been referred to Magistrate Judge Anthony P. Patti for all pre-trial matters. (ECF No. 25.) Before the Court is the Magistrate Judge's report and recommendation to grant Defendants' motion to dismiss. (ECF No. 39.) More specifically, the Magistrate Judge recommends dismissing all the claims brought against three of the defendants—Kaleb McGill, Sean Barker, and Larry Flinchum—and the claims brought against Defendants in their official capacities. No party filed timely objections. Plaintiff has filed a letter indicating that he is planning on filing objections and pleadings in this case and three other cases in this district but has been unable to do so in a timely fashion because he was placed in segregation and not provided with his legal property. (ECF No. 40.) The Court does not find an extension necessary here. The Court has reviewed the matter and agrees with the Magistrate Judge. Thus, the Court ACCEPTS AND ADOPTS the Magistrate Judge's report and recommendation (ECF No. 39) and GRANTS Defendants' motion to dismiss (ECF No. 29). Accordingly, Defendants McGill, Barker, and Flinchum are DISMISSED from this

action, and the claims against Defendants in their official capacities are DISMISSED as well. The claims against Defendants Nelson Church, Dalton Dobbs, Michael Olivero, Jon Martii, Dale Fultz, Dylan Schatz, and William Venegas in their individual capacities remain.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 23, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 23, 2025, by electronic and/or ordinary mail.

s/Marlana Williams
Case Manager